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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 Keith Barnes, No. 1:22-cv-01511-KJM-EPG  
12 Plaintiff,  
13 v. ORDER  
14 The Coca-Cola Company,  
15 Defendant.

17 In a previous order, the court ordered defendant The Coca-Cola Company (Coca-Cola) to  
18 show cause why its Motion to Dismiss, ECF No. 18, Requests to Seal, ECF Nos. 19, 27, and  
19 related documents, ECF Nos. 20, 28, should not be fully unsealed. Order (Apr. 7, 2025) at 12,  
20 ECF No. 40. Coca-Cola responded to the court’s order and requests all sealed documents remain  
21 under seal. Response, ECF No. 41. In support of its request, Coca-Cola makes three primary  
22 arguments: 1) another judge in this district previously allowed it to file the aforementioned  
23 documents under seal; 2) another judge in the Southern District of Florida previously determined  
24 that good cause existed to seal that district’s Report and Recommendation, which Coca-Cola cites  
25 to in these documents; and 3) good cause exists to maintain the documents under seal because  
26 they contain proprietary information that would harm Coca-Cola if released to the public. *Id.*  
27 ¶ 3–4, 8.

1      **I. ANALYSIS**

2      As explained in the court's previous order, "the courts of this country recognize a general  
3      right to inspect and copy public records and documents, including judicial records and  
4      documents." *Nixon v. Warner Commc'ns*, 25 435 U.S. 589, 597 (1978) (footnotes omitted).  
5      Although that right is not absolute, "'a strong presumption in favor of access' is the starting  
6      point." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting  
7      *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

8      The court begins with the currently sealed Requests to Seal at ECF Nos. 19 and 27. The  
9      Local Rules of this District establish a general presumption that requests to seal be made on the  
10     public docket: "Notice that a request to seal has been made will typically be filed in the publicly  
11     available case file." E.D. Cal. L.R. 141(a). In turn, orders on sealing requests should also be  
12     "file[d] in the publicly available case file." *Id.* L.R. 141(d). Here, the court does not find any  
13     reason to deviate from the local rules. The Requests to Seal provide notice of the requests to seal  
14     and explain the legal standard applicable to sealing in this district and do not themselves reveal  
15     any proprietary information. Indeed, the contents of the filings at ECF Nos. 19 and 27 closely  
16     mirror the public Response at ECF No. 41 currently before the court. While another judge of this  
17     district previously ordered the Requests to be sealed, it is well established that a court may, in its  
18     discretion, unseal those same, previously sealed filings. *Id.* L.R. 141(e)(2)(iii); Fed. R. Civ. P.  
19     5.2; *Kamakana*, 447 F.3d at 1186. Finding no good cause to maintain the seal on the Requests to  
20     Seal at ECF Nos. 19 and 27, the court orders these filings be **unsealed**.

21      The court next proceeds to the currently sealed Exhibit B at ECF No. 20, which includes  
22      the Report and Recommendation from the Southern District of Florida in *Spaner v. The Coca-*  
23      *Cola Co.* Case No. 19-22210 (S.D. Fla. July 27, 2022), *report and recommendation adopted in*  
24      *full* (S.D. Fla. Aug. 22, 2022). Coca-Cola asserts the filing should remain under seal in this  
25      district because the same Report and Recommendation remains sealed in its district of origin,  
26      though it provides no documentation to support this assertion. After conducting independent  
27      research, this court has confirmed both that the Report and Recommendation remains sealed in  
28      the Southern District of Florida and that the *Spaner* court permitted Coca-Cola to file the Report

1 and Recommendation under seal in this district upon Coca-Cola's unopposed request. *Spaner*,  
2 Case No. 19-22210 (S.D. Fla.), ECF Nos. 180–81. While this court may have made a different  
3 decision in the first instance in response to Coca-Cola's request to seal, in the interests of comity,  
4 it accepts for these purposes the conclusion of the district court in *Spaner*. Exhibit B containing  
5 the Report and Recommendation at ECF No. 20 **shall remain under seal**.

6 Finally, the court addresses Coca-Cola's sealed Motion to Dismiss, ECF No. 18, and  
7 Reply, ECF No. 28. Redacted copies of these filings are currently available on the public docket.  
8 *See Motion to Dismiss (redacted)*, ECF No. 21; *Reply (redacted)*, ECF No. 26. The redacted  
9 portions of these filings relate to the substance of the *Spaner* court's sealed Report and  
10 Recommendation. Given the status of that document in the underlying Florida case, this court  
11 finds good cause for the unredacted versions of the Motion to Dismiss and Reply **to remain**  
12 **under seal**.

13 **II. CONCLUSION**

14 For the foregoing reasons, the clerk of court is **directed to unseal** Coca-Cola's Requests  
15 to Seal at ECF Nos. 19 and 27.

16 All other sealed filings shall remain under seal until further notice.

17 **IT IS SO ORDERED.**

18 DATED: April 24, 2025.

  
UNITED STATES DISTRICT JUDGE